

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4825 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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RAVI INDUSTRIES

Versus

MODASA MUNICIPALITY  
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Appearance:

MS MEGHA JANI for Petitioners

None present for Respondent  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/07/2000

ORAL JUDGEMENT

1. Though sick note has been filed by Shri M.B. Farooqui, counsel for the respondent, in view of the order which I propose to pass in this special civil application, I do not consider it to be necessary to adjourn this matter.

2. The dispute raised here in this case by the petitioners is that the action of the respondent of levying and collecting octroi duty at the rate of 1.50 per cent ad valorem on the wire rods imported by the petitioners within the limits of respondent-Municipality is wholly arbitrary and unjustified. As per the case of the petitioners, it can be charged under residual item at Sr. 72 of the Octroi Schedule.

3. I fail to see any justification in the approach of the petitioners directly to this court in such matter where in the hierarchy there are many officers to take care of this matter. This is a matter to be decided by the Municipality itself first on the representation of the petitioners and then if the petitioners are not satisfied it is to be taken before the Director of Municipalities or the Collector of the District concerned. This has not been done.

4. In the result, this special civil application is disposed of in terms that in respect of the grievance made by the petitioners, the petitioners are free to make a representation-cum-appeal to the respondent and the respondent shall decide it in its meeting this representation and send a copy of the decision taken thereon to the petitioners. This decision to be taken by the respondent may be taken within a period of one month from the date of receipt of representation from the petitioners. Still if the petitioners are not satisfied with the decision taken by the respondent, it is open to the petitioners to either approach to the Collector or the Director of Municipalities and if they so approach to either of the authority, the authority concerned shall decide the same within a period of one month thereafter. Still if the petitioners are not satisfied, liberty is granted to them for revival of this special civil application. The special civil application and Rule stand disposed of accordingly with no order as to costs.

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zgs/-